THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO : 4000 of 1996

THURSDAY, THE EIGHTEENTH DAY OF AUGUST
TWO THOUSAND AND FIVE

Between:

1 K.Ramanaiah, S/o. Rama Subbaiah,
R/o. H.No. 10-13-489/A, R.R.Colony, Tirupati, Chittoor District.
2 K.Bala Kistaiah, S/o. Rama Subbaiah, Hindu,
R/o. H.No. 10-13-489/A, R.R.Colony, Tirupati, Chittoor Dist.

..... PETITIONERS

AND

1 The District Collector, Chittoor Dist. And others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

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WRIT PETITION NO : 4000 of 1996

Alleging that he purchased Ac.1.00 of dry land in S.No.46 of Poolavanigunta Village, Tiryupathi Urban Mandal, Chittoor District under a registered sale deed dated 02-07-1984 from P.Gopal Reddy and that the respondents are trying to interfere with his possession without any authority, petitioner filed this writ petition seeking a direction to the respondents not to interfere with his peaceful possession and enjoyment of the said land.

2. On behalf of the respondents 3rd respondent MRO filed his counter affidavit contending that the land in S.No.46 of Akkarampalli village consisting Ac.23.82 is classified as Poolavanigunta Tank with an ayakat of Ac.28-60 cents and that raithwary patta to the said land is said to have been given to P.Gopal Reddy by the Settlement Officer on 25-10-1982 under Section 8 of the Estate Abolition Act and since no such proceedings were received by the Collector Chittoor District or in the Taluk Office of Chandragiri, the Collector, Chittoor vide his proceedings dated 8-4-1983 informed the Director of Settlements, Hyderabd that no order has been received relating to the granting of raithwari patta to P.Gopal Reddy, and had filed a revision before the competent authority against the order said to have been passed by the Settlement Officer with a copy of the raithwary patta produced by the petitioner and the said RP No.186/83 is still pending before the Director of

Settlements, Hyderabad and that the said Gopal Reddy and others had previously filed W.P.No.5121 of 1979 alleging that the land in S.No.46 of Akkarampalli cannot be assigned to anybody and that this Court, on the basis of the counter filed by the Collector, that there are no proposals to assign the lands in the abandoned tank, dismissed the writ petition on 18-11-1995. The raithwary patta relied on by the petitioner is said to have been granted by A.D.V. Reddy-Settlement Officer Nellore. In fact Government issued a circular not to implement the orders A.D.V.Reddy as the Settlement Officer, as his orders are bogus orders. No raithwary patta was granted to anybody in respect of the land bearing S.No.46 and no record relating to issuance of raithwary patta in relation to the said land is available. The patta certificate relied on by the petitioner is not genuine and so petitioner is not entitled to any relief.

3. Registered sale deed dated 02-07-1984 relied on by the petitioner shows that he was put in possession of Ac.1.00 in S.No.46. So irrespective of the question whether raithwary patta in respect of that one acre of land in S.No.46 was given to the vendor of the petitioner or not, respondents cannot interfere with the possession of the petitioner without taking due process of law. So, if the respondents want to dispossess the petitioner from the land in his possession, purchased by him under a registered sale deed from P.Gopal Reddy, they have to take recourse to due process of law.

4. In these circumstances it is unnecessary for me to go to the question whether the land in S.No. 46 is a tank bed and if it can be assigned or not and if patta in favour of the vendor of the petitioner is genuine or not, because appeal against the order granting patta to the vendor of the petitioner is said to be pending before the Director of Settlement.

5. Therefore, this writ petition is disposed of with a direction to the respondents not to interfere with the possession of the petitioner in respect of the land in an extent of Ac.1.00 situated in S.No.46 without taking recourse of duce process of law. No costs.

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18-08-2005

Mjl/*